UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION

Paul Kenneth Cromar, Barbara Ann Cromar, Plaintiffs,

v.

UNITED STATES OF AMERICA,
JEFF SESSIONS,
RYAN S. WATSON,
NANCY K PHILLIPS
R. A. MITCHELL
WANDA I. MANLEY
JOAN FLACH or JOAN FLACK

Defendants.

A Cross-Complaint to

Case No: 2:17-cv-01223-RJS

Cross-Complaint for Damages in the Amount of \$10,000,000 For Multiple Violations of Constitutional Rights, FORGERY, and FRAUD

TRIAL BY JURY DEMANDED

Cross-Complaint for Damages in the Amount of \$10,000,000 For Multiple Violations of Constitutional Rights, FORGERY, and FRAUD

TRIAL BY JURY DEMANDED

1. Comes now in the above identified action, Paul Kenneth: Cromar and Barbara Ann: Cromar, pro se Plaintiffs, who now, in answer to the vague, arbitrary and capricious Complaint filed against them, maliciously and without true constitutional authority or cause, by the United States of America in Case No: 2:17-cv-01223, hereby files this Cross-Complaint in reply, for damages in the amount of \$10,000,000 (ten-million dollars) for multiple violations of the Plaintiff's constitutional Rights and guarantees of protection from certain acts by the U.S. government.

2. The Plaintiffs in this action demand a **TRIAL BY JURY**, to see the evidence, and try the legal issues and violations raised and alleged in this cross-complaint.

JURISDICTION OF THE DISTRICT COURT

3. Title 28 U.S. Code § 1346 - "*United States as defendant*" clearly gives the federal district courts jurisdiction over complaints naming the United States as a defendant.

§ 1346 - United States as defendant

- (a) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of:
 - (1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;

STATUTORY AUTHORITIES FOR THE COMPLAINT

4. Authority for this complaint, and the jurisdiction of the district court over this action, is established under the above 28 U.S.C. § 1361 and I.R.C. §§ 7433(a) and 7214. I.R.C. § 7433(a) explicitly authorizes a civil action where "any officer or employee of the Internal Revenue Service recklessly or intentionally, or by reason of negligence, disregards any provision of this title..."

§ 7433. Civil damages for certain unauthorized collection actions

(a) In general

If, in connection with any collection of Federal tax with respect to a taxpayer, any officer or employee of the Internal Revenue Service recklessly or

2

intentionally, or by reason of negligence, disregards any provision of this title, or any regulation promulgated under this title, such taxpayer may bring a civil action for damages against the United States in a district court of the United States. Except as provided in section 7432, such civil action shall be the exclusive remedy for recovering damages resulting from such actions.

- 5. I.R.C. § 7433 plainly and clearly authorizes a civil action against the United States where employees of the Internal Revenue Service (IRS) recklessly or intentionally disregard any provision of Title 26.
- 6. And IR Code Section § 7214 also plainly states:

§ 7214 - Offenses by officers and employees of the United States

(a) Unlawful acts of revenue officers or agents

Any officer or employee of the United States acting in connection with any revenue law of the United States—

- (1) who is guilty of any extortion or willful oppression under color of law; or
- (2) who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or
- (3) who with intent to defeat the application of any provision of this title fails to perform any of the duties of his office or employment; or
- (4) who conspires or colludes with any other person to defraud the United States; or
- (5) who knowingly makes opportunity for any person to defraud the United States; or
- (6) who does or omits to do any act with intent to enable any other person to defraud the United States; or
- (7) who makes or signs any fraudulent entry in any book, or makes or signs any fraudulent certificate, return, or statement; or
- (8) who, having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the United States under any revenue law, fails to report, in writing, such knowledge or information to the Secretary; or
- (9) who demands, or accepts, or attempts to collect, directly or indirectly as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do;

shall be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both. The court may in its discretion award out of the fine so imposed an amount, not in excess of one-half thereof, for the use of the informer, if any, who shall be ascertained by the judgment of the court. The court also shall render judgment against the said officer or employee for the amount of damages sustained in favor of the party injured, to be collected by execution.

7. This code section plainly and clearly states that "Any officer or employee of the United States acting in connection with any revenue law of the United States ... who with intent to defeat the application of any provision of this title fails to perform any of the duties of his office or employment; or ... who makes or signs any fraudulent entry in any book, or makes or signs any fraudulent certificate, return, or statement ... shall be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both. ... The court also shall render judgment against the said officer or employee for the amount of damages sustained in favor of the party injured, to be collected by execution".

ALLEGATIONS OF VIOLATIONS OF CONSTITUTIONAL RIGHTS

- 8. Under the facts alleged in the original complaint filed by the United States government (in Case No: 2:17-cv-01223), it is clear that the Internal Revenue Service and the U.S. Justice Department attorneys are operating in **violation** of Article I, Section 2, Clause 3 of the United States Constitution by taxing the plaintiff's *directly* and without apportionment of the tax to the several states for collection. This clause has **never been repealed or amended** and Plaintiff now has a *constitutionally* secured *Right* to defend, **before a jury**, his life and property from all unlawful claims of the United States that are undertaken in the *name of tax* only, or under *color of law*; and to pursue the upholding of his constitutional *Rights* to property and freedom, based on this unrepealed clause of the U.S. Constitution.
- 9. Under the facts alleged in the original complaint filed by the United States government (in Case No: 2:17-cv-01223), it is clear that the Internal Revenue Service and the U.S. Justice Department and its attorneys are all operating in violation of Article I, Section 9, Clause 4 of

4

the United States Constitution which prohibits any <u>direct</u> tax or <u>taxation</u>, in any <u>form</u> that is not laid in proportion to the last census. This clause has also **never been repealed or amended** by any Act of Congress, and Defendant has a <u>constitutionally</u> secured <u>Right</u> to defend, <u>before</u> a <u>jury</u>, his life and property from all unlawful <u>claims</u> of the United States that are undertaken in the <u>name of tax</u> only, or under <u>color of law</u>; - and to pursue the upholding of his constitutional <u>Rights</u> to property and freedom, based on this unrepealed clause of the U.S. Constitution

- 10. It is a constitutional fact of law that the 16th Amendment to the Constitution does not repeal or destroy by *inference* or *presumption* these **pre-existing** and **still extant** clauses of Article I of the U.S. Constitution, controlling and **prohibiting** *direct* taxation of *We the People*, our *labor*, and even our "*income*", unless the *direct* tax is *laid in proportion* to the last census and *apportioned to the several states* for payment.
- 11. It should be well understood by all parties to this action that the 16th Amendment to the U.S. Constitution does not contain the word "direct" in describing the tax on "income" that is authorized under that 16th Amendment¹, and that there is no authority within the Constitution that is granted to any party or person to add to it words that are not actually there, i.e.: through an interpretive decision or opinion that improperly adds words that are not used in the text of the Amendment; rather than by an honest application of the language actually used in the Amendment, and as upheld by the Supreme Court² in 1916, when the power to tax "income" was upheld as an exercise of the granted, and pre-existing, indirect taxing powers of Article I, Section 8, clause 1.
- 12. It should also be well understood by all parties to this action that the 16th Amendment to the U.S. Constitution does **not** contain an applicable <u>enabling enforcement clause</u>, whose granted authority to <u>write law</u> is an **essential** and **indispensable** element of establishing the <u>subject-matter jurisdiction</u> of the court, and therefore, no branch of the federal government lawfully **possesses** a <u>constitutional</u> authority to write law to enforce any allegedly <u>new</u> taxing <u>power</u>, allegedly created by the Amendment devoid of the associated <u>limitations</u> of Article I controlling all legitimate federal taxation.

¹ Unlike Article I, Section 1, Clause 1 and Article I, Section 9, Clause 4, of the Constitution, which both do

² See Brushaber v. Union pacific RR. Co., 240 US 1 (1916), and Stanton v. Baltic Mining Co., 240 US 103 (1916)

- 13. Therefore, because of the absence of an *enabling enforcement clause* in the 16th Amendment, denying the U.S. Congress a **granted** power to write law specific to the enforcement of any new power alleged created under the Amendment (and not Article I authorities), the U.S. Congress therefore possesses no constitutional authority to enforce the 16th Amendment with law, as a **new** or *direct* taxing power.
- 14. That means that no *constitutional* law may be written giving the agencies and departments of the Executive Branch of the United States government (like the I.R.S. and the D.O.J.), any legal power at all to enforce in or through the federal courts, a new taxing power (allegedly created under the 16th Amendment, rather than under the pre-existing authorities of Article I, Section 8), *i.e.*: an alleged *power* to tax income *directly* and *without apportionment* or any other applicable limitation.
- 15. Since Congress is given **no** power by an *enforcement clause* in the 16th Amendment, to enforce "by appropriate legislation" the provisions of the Amendment as a new power to tax, then the Congress can write **no** law that may be invoked by the Executive Branch personnel to try to enforce the collection or payment of the income tax from or by any American citizen wherever the tax is deemed to be authorized under the 16th Amendment as a direct tax, as has been wrongfully and unconstitutionally claimed by the United States [defendant] against the Plaintiffs [Cromars] of this Cross-Complaint.
- 16. Thus, all of the statutes cited by the Plaintiff United States in its original filings in this action are exposed as **irrelevant** and rendered **inapplicable** because Executive Branch personnel have **no constitutional authority to cite statutes** to *enforce* the collection of a *direct* income tax allegedly laid *without apportionment*. The Plaintiff United States is plainly and clearly wrongfully attempting to use the *indirect* taxing authorities of the U.S. Constitution, as the legal basis and foundation for the enforcement of what the IRS has alleged in its administrative collection and enforcement of the tax, is a *direct* tax.
- 17. The **irrefutable absence** of an *enforcement clause* in the 16th Amendment is precisely the reason why all of the statutes relating to the *enforcement* of the tax laws are **not** published

in the Code of Federal regulations (CFR) for use in conjunction with the statutes of Title 26, but rather ONLY Title 27 – INTOXICATING LIQUORS - PART 70 (see Exhibit - Parallel Table of Authorities and Rules). Under Title 27, of course, the taxes enforced are the indirect excise taxes authorized under Article I, Section 8, clause 1 (Imposts, Duties and Excises), where those indirect taxing powers are constitutionally authorized to be enforced by law through the Necessary and Proper enabling enforcement clause present in Article I, Section 8, clause 18, - allowing the enforcement of the foregoing Article I powers "by appropriate legislation", which allows the enforcement powers constitutionally granted exclusively to the legislative Congress, to be legitimately delegated to the employees of the Executive Branch of the government, i.e. the IRS and the D.O.J., by statutory provisions empowering the "Secretary" and his or her delegates to enforce the indirect taxing powers of Article I; - but no enforcement of an allegedly direct tax under the 16th Amendment is ever authorized.

- 18. Without an *enforcement clause* in the 16th Amendment there can be **no** legitimate *empowerment* through the use of any statutes, **nor** any *delegation* of any **enforcement** authority under the regulations, for the Executive Branch personnel like the I.R.S. and the D.O.J. to invoke as lawful foundation for the enforcement of any new or *direct* taxing power allegedly created under the Amendment. Therefore, the entire original *Complaint* constitutes nothing more than a clear violation of the cross-complainants' guaranteed constitutional *Rights*.
- 19. Additionally, from the original complaint filed by the United States government in this case, it is clear that the U.S. government is also operating in blatant violation of the Fourth Amendment to the United States Constitution (in that action), commanding that all persons be afforded the Right to be "secure in their person, papers, houses, and effects from unreasonable ... seizure". This clause has also never been repealed or amended by any Act of Congress, and Defendants have a constitutionally secured Right to be "secure in their houses ... from unreasonable seizure", i.e.: the unreasonable seizure of the home, for payment of an unauthorized, violative, unapportioned direct tax.
- 20. The United States government cannot legitimately use one clause of the U.S. Constitution (or a single Amendment to it, like the 16th), to destroy, or render completely irrelevant or

impotent, another clause of the Constitution (or two clauses) that have never been repealed or amended by Congress. Article I, Section 2, Clause 3, and Article I, Section 9, Clause 4, both still exist in the Constitution as originally written, and both must be given force of law by the federal district courts, and the juries in those courts, with real legal effect, and they must be applied to this legal action regarding the false claims made for the payment of direct unapportioned tax in this dispute.

27. Of course, the attorneys for the defendant United States should already know that the only legitimate way to legally amend or repeal a provision of the Constitution is for it to be amended or repealed by act of Congress itself, or through the calling of a constitutional convention, neither of which has ever occurred in regard to the clauses in dispute in this action under Article I, Section 2, clause 3 and Article I, Section 9, clause 4.

Specific Allegation of Violations of Constitutional Rights

- 28. Paragraphs 8 through 27 are herein incorporated to allege egregious and ongoing violations by the Plaintiff United States and its Revenue Agents and Officers of the Defendant's guaranteed constitutional *Rights*:
 - a. to private property, under the 5th Amendment;
 - b. to be *secure* in his person, papers, houses, and effects under the 4th Amendment:
 - c. to equal protection, under the 14th Amendment;
 - d. to equal opportunity, under the 14th Amendment;
 - e. to equal Rights, under the U.S. Constitution;
 - f. to legal due process at law, under the 5th Amendment; and
 - g. to trial by jury under the 7th Amendment
 - h. to a clear declaration and statement on the record of the action of the complete subject-matter jurisdiction of the court that can be lawfully taken over the civil action, including the two specific constitutional elements of that subject-matter jurisdiction;

- i. to the Right to Work in a common, unlicensed occupation, under the 9th Amendment, and
- j. to be protected from *direct taxation* unless *apportioned to the states for collection* under Article 1, Section 2, clause 3 of the U.S. Constitution, and *laid in proportion to the census* under Article 1, Section 9, clause 4 of the U.S. Constitution.
- 29. Furthermore, under the *right* secured by 7th Amendment to the U.S. Constitution, the Defendant DEMANDS A TRIAL BY JURY in this action, which plainly and clearly constitutes a dispute in excess of \$25 (twenty-five dollars). Issues to be tried by the jury include all of the below:
 - k. the constitutional nature of the *uniform* federal income tax under Article I and the 16th Amendment, *direct* or *indirect*;
 - I. the presence or absence of an applicable *enabling enforcement clause* in the constitution that would grant authority to the United States enforce a new or direct taxing power that is allegedly created by the 16th Amendment;
 - m. whether or not the Article I provisions cited above prohibiting the *direct* taxation of the American people have ever been repealed or amended, or not;
 - n. the statutory liability for the federal personal income tax under Section 1461;
 - o. the identification of any other statutory liability that is alleged to exist in the written law, or irrefutable lack thereof; and finally,
 - p. the limits of the legal statutory authority of the Revenue Officers and Agents to act under IRC Section 7608(a), **but not** subsection (b) of that code section; and
 - q. whether or not the signatures on the underlying disputed subject *Notices of Federal Tax Lien* have been illegally *forged* by Defendant Revenue Agents Nancy K. Phillips, R.A. Mitchell, Wanda I. Manley and Joan Flach or Joan Flack.

Factual Grounds for Additional Allegations of Fraud

- 30. And whereas, the Congressional branch of the federal government tells the American People that the federal income tax is a constitutional tax because it was **held by the Supreme Court** in 1916 that the tax was enacted as an *indirect* tax, that is **not** authorized under the 16th Amendment, but under Article I, Section 8, clause 1 of the U.S. Constitution, in the form of an *Impost, Duty,* or *Excise*;
- 31. And whereas; the Executive branch of the federal government openly argues in federal court today through the I.R.S. and U.S. Justice Department, and thus tells the American people, exactly the opposite; *i.e.*: that the federal income tax is an *unapportioned direct* tax that was authorized under the 16th Amendment, not Article I, Section 8;
- 32. And whereas; the lower courts of the Judicial branch of the federal government also tell the American People today in their case opinions **exactly the opposite**; *i.e.*: that the federal income tax is a *direct* tax **without** *apportionment* that was allegedly authorized under the 16th Amendment;
- 33. And whereas, despite the fact that the 16th Amendment does not actually contain the word "direct" in describing the tax on *income* that is referenced in the Amendment, it is deemed to be so by the lower courts;
- 34. And whereas, the Supreme Court has **refused to address this ongoing rebellion** in the lower courts against the Constitution and the Supreme Court's true holdings on this matter;
- 35. And whereas, that court has further failed to address or correct the directly conflicting opinions and practices of the lower courts and the three different branches of the federal government regarding the federal income tax that have resulted because of that failure;
- 45. And whereas, it is legally and factually impossible for the federal income tax to simultaneously be both, constitutionally speaking, *direct* and *indirect* in nature;

- 46. And whereas, there is **no** enabling or enforcement clause in the 16th Amendment that gives the federal government the legitimate constitutional legal power to enforce by appropriate legislation the provisions of the Amendment, including any alleged newly created taxing power like the power to tax directly and without apportionment, as alleged by the defendant United States and as wrongfully enforced in the lower courts against the Plaintiff of this Cross-Complaint;
- 47. And whereas, the three branches of the government are in direct and inherent conflict and disagreement with each other on this constitutional legal issue; and they cannot therefore all be correct, nor can they all be wrong;
- 48. Then it is absolutely clear that **one or more of the branches** of the federal government **is** (or are) **committing fraud** by lying to the American People about the true legal constitutional nature of the federal income tax, as properly determined with finality by the Supreme Court in 1916 when it ruled on the issue with clarity and surgical precision in its controlling decisions on the issue.
- 49. Therefore; **either** the federal income tax is a *direct* tax without apportionment under the 16th Amendment, and the Congressional branch of the federal government is committing fraud by telling the American People otherwise;
- 50. Or, the federal income tax is an *indirect* tax, and the Judicial and Executive branches of the federal government are committing the fraud; first, by telling the American People a lie about the true *constitutional nature* of the tax under the U.S. Constitution (as determined by the Supreme Court in 1916); and second, by enforcing the tax on them under an erroneous interpretation of the 16th Amendment as a *direct* tax without apportionment, despite the absence of any enabling enforcement clause in the Amendment, rather than as the constitutionally legislated *indirect* tax that it actually was determined and held to be by the Supreme Court in 1916 in the controlling Brushaber v. Union Pacific R.R. Co. and the Stanton v. Baltic Mining Co. cases.

"by the previous ruling [Brushaber v Union Pacific R. Co.] it was settled that the provisions of the Sixteenth Amendment conferred no new power of taxation but simply prohibited the previous complete and plenary power of income taxation possessed by Congress from the beginning from being taken out of the category of indirect taxation to which it inherently belonged"

Stanton v. Baltic Mining Co., 240 U.S. 103, 112-113 (1916).

- 51. Therefore, this action is commenced to determine with finality, once and for all, which branch of the federal government is telling the truth in this matter (Congress), and which is blatantly lying (the Executive & Judicial), and or committing and engaging in an egregiously fraudulent enforcement operation (the Executive), that must be terminated as soon as it is known to be erroneous and fraudulent because it plainly constitutes a plain and clear violation of Article I, Section 2, clause 3, and Article 1, Section 9, clause 4, which clauses of the Constitution must still be given legal effect and force of law by the lower federal district courts, regardless of the adoption of the 16th Amendment, and factually because of the irrefutable absence of any enabling enforcement clause in that Amendment.
- 52. The federal government must be consistent about the law and the Constitution within its own three branches of the government, their operations, and *operational practices*. If the federal government is unable to agree within the three branches of it own existence, or even agree within the three different levels of the judicial branch alone (among the judges of the district, circuit, and Supreme courts), then it is absolutely arbitrary and capricious for any branch of the government, or any court, including the federal Tax Court or district courts, to enforce the federal personal income tax as either a *direct* tax or as an indirect tax, until the federal government can agree within its own house, and within its own three branches of existence, and especially within the courts of the judicial system, on exactly what kind of federal personal income tax it is, that is actually authorized under the U.S. Constitution and its 16th Amendment!

Statement of Facts & Controlling Law Regarding the Alleged Fraud

53. The 16th Amendment does not actually contain the word "direct" in describing the tax on income that is authorized by the Amendment. Therefore, the question immediately arises of

who **improperly** added it, **by** *interpretation*, to the practiced *defacto* application and enforcement of the constitutional federal taxing powers to supposedly authorize the enforcement of the **prohibited** *power*?

- 54. The 16th Amendment **contains no** *enforcement clause* that authorizes Congress to write any laws (statutes "appropriate legislation") that can be used by the I.R.S., the D.O.J., or the federal courts themselves, to enforce any taxing power as a *direct tax without apportionment*.
- 55. Two specific **pre-existing**, and **still existing**, Article I clauses **directly contradict** the Executive and Judicial branches' interpretation of the 16th Amendment! They are Article I, Section 2, Clause 3, and Article I, Section 9, Clause 4. One law cannot be used legitimately by the different branches of the federal government to destroy another law, or two others, as is being **erroneously** argued by the defendant United States in this matter.
- 56. The Executive and Judicial branches' *interpretation* of the 16th Amendment, that it authorizes a *direct* tax without apportionment, is **plainly erroneous** because that interpretation is **specifically prohibited** by the fact that Article I, Section 2, Clause 3 still **requires** *direct* taxes to be *apportioned* among the several states. This clause remains unrepealed and unamended.
- 57. Thus, an **inherent contradiction** within the Constitution is *engineered by interpretation* by virtue of the adoption of the erroneous interpretation of the Amendment as a *direct* tax without apportionment.
- 58. Additionally, Article I, Section 9, Clause 4 of the U.S. Constitution still requires that all direct taxes be laid in proportion to the census; which requirement, while the 16th Amendment again may relieve the income tax from as an indirect tax, is not removed as a constitutional prerequisite condition to the application or enforcement of any federal tax as a direct tax.

Specific Allegations of Fraud

59. Paragraphs 39 through 58 are herein incorporated to allege an egregious ongoing fraud being perpetrated on the Plaintiff today by one or more of the three branches of the federal government.

Factual Grounds for Additional Allegations of Forgery

- 60. Furthermore, it is herein alleged that the *Notices of Federal Tax Lien* that have been filed in the County land records office against the Plaintiffs by the Revenue Officer(s) named as [a] Defendant[s] in this *Cross-Complaint*, have been created and issued **only through the commission by the Defendant of the unlawful and criminal act of forgery** by forging the **signature** on the underlying federal tax lien instruments or "*Notices*" of other *persons*, without their knowledge or permission and without first properly securing a *Power of Attorney* **beforehand**, instead of signing the Agent's own name under penalty of perjury as required by both federal and state law.
- 61. Blacks Law Dictionary, Deluxe 6th Edition, plainly and clearly defines the legal terms "Forge" and "Forgery". It states therein:

"Forge. To fabricate by false imitation. Carter v. State, 135 Tex.Cr.R. 457, 116 S.W.2d 371, 377. To fabricate, construct, or prepare one thing in imitation of another thing, with the intention of substituting the false for the genuine,... To counterfeit or make falsely. Especially to make a spurious written instrument with the intention of fraudulently substituting it for another, or of passing it off as genuine,..., or to sign another person's name to a document, with a deceitful and fraudulent intent. See Counterfeiter; Forgery; Fraud

Forgery. The false making or the material altering of a document with the intent to defraud. A signature of a person that is made without the person's consent and without the person otherwise authorizing it. A person is guilty of forgery if, with purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the actor: (a) alters any writing of another without his authority; or (b) makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act,

...; or (c) utters any writing which he knows to be forged in a manner specified in paragraph (a) or (b). Model Penal Code, § 224.1. See also MPC § 241.7, "Tampering with or Fabricating Evidence".

Crime includes both act of forging handwriting of another and act of uttering as true and genuine any forged writing knowing same to be forged with intent to prejudice, damage or defraud any person. State v May, 93 Idaho 343, 461 P.2d 126, 129. Crime is committed when one makes or passes a false instrument with intent to defraud, and the element of loss or detriment is immaterial. People v McAffery, 183 Cal.App.2d 486, 6 Cal.Rptr. 333, 337. The false making of an instrument which purports on face of it to be good and valid for purposes for which it was created, with a design to defraud any person or persons. State v. Goranson, 67 Wash.2d 456, 408 P.2d 7, 9"

- 62. From these defining provisions, there can be no doubt but that it is a **criminal offense**, and **patently against the law**, for one person **to use or** *forge* **the signature of another person** without the prior knowledge and or consent of the second party, concerning that use of their signature by the first party to effect any outcome or end that affects the property or *Rights* of yet a third party like the Plaintiff in this cross-complaint.
- 63. Plaintiff is prepared to prove by evidence in the form of subpoenaed testimony at a preliminary court hearing, that the signature of the other persons identified on the signature lines of the subject disputed lien *Notices* have indeed irrefutably been forged on the disputed federal lien certificates that have been filed with the land records office [Exhibit A, B, C, D] in the office of the Utah County Recorder, and those other *persons* will be subpoenaed to appear at that preliminary hearing to testify for this honorable court as to the truthfulness and accuracy of this forgery allegation regarding the unauthorized and unlawful use of their signatures by the Defendants on the disputed, filed, lien certificate(s) in this case.

Specific Allegations of Forgery

64. Paragraphs 60 through 63 are herein incorporated to allege that the crime of forgery is being perpetrated by the Defendant Revenue Agents Nancy K. Phillips, R.A. Mitchell, Wanda I. Manley and Joan Flach or Joan Flack, with respect to the signing of all of the *Notices of Federal tax Liens* that have been filed.

PRAYER FOR RELIEF

- 65. Plaintiff prays this honorable court will conduct a trial by jury to test the facts asserted in this *Cross-Complaint*, and to determine the truthfulness of the allegations presented hereinabove.
- 66. Therefore, Plaintiff now appeals to this honorable Court for relief from the unlawful burdens imposed upon the Plaintiff and his constitutional *Rights* by the Defendant United States through its unlawful violation of numerous constitutional *Rights* of the plaintiff, and by its violative attempted conversion of property and funds in the *name of tax* only, under *color of law*, to:
 - (a) issue a permanent restraining order, ordering the Defendant to cease and desist immediately in their refusal to obey the Constitution of the United States and act only under limited powers authorized therein, and as required and agreed by the sworn Oath of Office;
 - (b) issue a permanent restraining order, ordering the Defendant to cease and desist immediately, and in the future refrain, from any activity that is not in strict accordance with the written law and the Constitution of the United States;
 - (c) order the Defendant to, in the future, strictly comply with the Constitutions of both the United States of America and the State of Utah in all of their actions pertaining to the Plaintiff;
 - (d) award \$1,000,000.00 in proximate, actual, and compensatory damages to Plaintiff;
 - (e) award \$8,900,000.00 in exemplary and punitive damages to Plaintiff;
 - (f) award \$100,000.00 in ancillary damages;

(g) establish any other relief granted to the Plaintiff, and penalties to be imposed on the defendants, that the Court deems just and proper to be imposed on the Defendant sufficient to incentivize it **not** to repeat the violations perpetrated with other American taxpayers and *persons*.

Respectfully submitted,

Paul Kenneth: Cromar 9870 N. Meadows Dr. Cedar Hills, UT 84062

And

Barbara Ann: Cromar 9870 N. Meadows Dr. Cedar Hills, UT 84062

October 23, 2018

EXHIBIT

PARALLEL TABLE OF AUTHORITIES AND RULES

The following table lists rulemaking authority (except 5 U.S.C. 301) for regulations codified in the *Code of Federal Regulations*. Also included are statutory citations which are noted as being interpreted or applied by those regulations.

The table is divided into four segments: United States Code citations, United States Statutes at Large citations, public law citations, and Presidential document citations. Within each segment the citations are arranged in numerical order:

For the United States Code, by title and section;

For the United States Statutes at Large, by volume and page number;

For public laws, by number; and

For Presidential documents (Proclamations, Executive orders, and Reorganization plans), by document number.

Entries in the table are taken directly from the rulemaking authority citation provided by Federal agencies in their regulations. Federal agencies are responsible for keeping these citations current and accurate. Because Federal agencies sometimes present these citations in an inconsistent manner, the table cannot be considered all-inclusive.

The portion of the table listing the United States Code citations is the most comprehensive, as these citations are entered into the table whenever they are given in the authority citations provided by the agencies. United States Statutes at Large and public law citations are carried in the table only when there are no corresponding United States Code citations given.

This table is revised as of January 1, 2014.

Authorities

26 U.S.C. (1986 I.R.C.)—Continued CFR	26 U.S.C. (1986 I.R.C.)—Continued CFR
504427 Part 24	5411—541727 Part 25
5051505427 Part 25	541527 Part 70
505127 Parts 26, 27, 28	5501—550527 Part 19
505427 Parts 27, 28	550427 Part 70
5056	551127 Parts 18, 24
5061506227 Parts 19, 24	5551—555527 Part 19
506127 Parts 25, 26, 27, 28, 46	5551—5552 27 Parts 24 25
506627 Part 19	555227 Parts 18, 20, 22
5111—511427 Parts 17, 26	5555—555627 Part 25
5121—512427 Part 31	555527 Parts 20, 22, 26, 27, 28, 31, 70
512127 Parts 19, 22, 24, 25, 26, 27, 28	555927 Part 19
5122—512427 Parts 19, 24, 25, 26, 27	5561—556227 Part 19
512227 Part 28	560127 Parts 19, 29
512327 Parts 17, 22, 70	560327 Part 31
513127 Parts 26, 31	560727 Part 20
513227 Parts 26, 31	561227 Part 19
5171—517327 Parts 18, 19	561327 Part 31
517327 Part 24	561527 Part 29
5175—517627 Part 19	5661—566227 Part 24
5178—518127 Part 19	567127 Part 25
5178—517927 Part 18	567327 Part 25
517927 Part 29	568127 Part 31
518127 Part 71	568227 Part 19
5201—520427 Part 19	5684
520127 Parts 27, 28	568727 Parts 29, 31
520327 Parts 18, 70	568819 Part 162
520527 Parts 27, 28	570127 Parts 40, 41, 44
5206-520727 Parts 19, 31	570227 Parts 41, 44, 45
520627 Parts 17, 20, 22, 24	570327 Parts 40, 41, 44, 45
520727 Parts 26, 27, 28, 70	570427 Parts 40, 41, 44, 45
5211—521527 Part 19	570527 Parts 40, 41, 44, 45
5214—521527 Part 24	570827 Parts 41, 46
521427 Parts 20, 22	5711
5221—522327 Part 19	571227 Parts 40, 41, 44, 71
522227 Part 25	571327 Parts 40, 41, 44, 71
5231—523227 Part 19	5721
523227 Parts 26, 27, 28	5722
5235—523627 Part 19	5723
5241—5243	5731—573427 Parts 40, 46
524227 Part 21	573127 Part 44
5271—527527 Parts 20, 22	574127 Parts 40, 41, 44, 45, 70
527127 Parts 19, 26, 71	5751
527327 Parts 17, 19, 27, 28, 31	5753
5275	27 Part 40
5276	575427 Parts 41, 44, 46
5291	5761
530127 Parts 5, 13, 19, 26, 27, 28, 31	576227 Parts 40, 41, 45, 46
5311—5313	5763
5311	5802
5313	6001
5314	27 Parts 19, 26, 46, 53
5351	601126 Parts 1, 26, 31, 40, 55, 156, 157, 301
5352	27 Parts 25, 53, 73
5353—5354	601526 Part 1
5354	6020
5356	
	602127 Parts 53, 70
5356—535727 Part 24	6033
5361—536227 Part 24	6035
536227 Part 19	603626 Part 301
5364—537327 Part 24	603726 Part 301
536727 Part 70	6038—6038B26 Part 1
537027 Part 19	6038D
537327 Part 19	6039E22 Part 51
5381—538827 Part 24	6039I26 Part 1
5391—539227 Part 24	604126 Part 1
5401—540327 Part 25	604326 Part 1

Authorities

	I.R.C.)—Continued	CFR	20
7209	27 Parts 40,	27 Part 70	Ì
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7216		.26 Part 301	ŀ
7302		27 Part 24	
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7942	27 Parts 24, 25, 40,	41 44 45 46	
7403	,,	27 Part 70	
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7429—7430		27 Part 70	l
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7513	26 Parts	27 Part 70	
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7602	27	Parts 46, 70	l
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7805	19 Parts 1, 31, 40	, 41, 301, 602	
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	26 Parts 1, 2, 3, 4, 5,	00, 00, 0a, 7,	
	8, 9, 11, 12, 13, 14a, 15, 18, 19, 20, 22, 25, 26, 2	27 28 31 32	ł
	35, 35a, 36, 40, 41, 43, 4		1
	48, 49, 51, 52, 53, 54, 58	5, 56, 57, 141,	l
	143, 145, 148, 156, 157,	301, 302, 303,	
	305, 400, 401, 403, 404, <i>4</i>	420, 502, 503,	
	509, 514, 516, 517, 601,	602, 701, 702	
	27 Parts 5, 13, 17, 18, 1		
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26 U.S.C. (1986 I.R.C.)—Continued	$_{ m CFR}$
9003	
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900711 Part	s 201, 9007
900811 Parts 201, 9001, 9002, 9003,	s 201, 9008
900911 Parts 201, 9001, 9002, 9003,	9004, 9005,
	9007, 9008
901211	
9031	
9033	
903411	Part 9034
903511	Part 9035
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903811 Part	s 201, 9038
903911 Parts 201, 9031, 9032, 9033,	9034, 9035,
9036, 9037,	9038, 9039
9701—97082 9801	
9833	
27 U.S.C.	201001
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20227 Parts 203	0, 8, 10, 11
200	ts 1, 26, 28
20427]	Parts 1, 71
20527 Parts 4, 5, 6, 7, 8, 9, 10	. 11, 12, 13,
	16, 26, 28
206	27 Part 1
211	27 Part 1
215	
218	27 Part 16
28 U.S.C.	
50	12 Part 516
418	
501	28 Part 17
503	arts 40, 00 Dort 9867
	Part 1316
28 Parts 0, 1, 5, 8, 9, 11	
17, 21, 26, 27, 28, 29, 35	, 36, 37, 38,
42, 46, 47, 48, 50, 51, 55	, 58, 61, 64,
71, 73, 76, 80, 81, 115, 50	0,501,503,
506, 511, 512, 513, 522, 52	
540, 541, 542, 543, 544, 54	
549, 550, 551, 552, 553, 57	
5102	01, 602, 603 Part 2867
8 Parts 3	, 1003, 1103
21	Part 1316
28 Parts 0, 1, 5, 8, 9, 11	
17, 21, 26, 27, 28, 29, 35	, 36, 37, 38,
42, 46, 47, 48, 50, 51, 55	. 58. 61. 64.
71, 73, 76, 80, 81, 115, 50	0,501,503,
506, 511, 512, 513, 522, 52	
540, 541, 542, 543, 544, 54	
549, 550, 551, 552, 553, 57	
48 Parts 2801, 2802, 2803,	01, 602, 603 2804 2805
2806, 2807, 2808, 2809, 2811,	2812, 2813
2814, 2815, 2816, 2817, 2819,	2822, 2823.
2824, 2825, 2828, 2829, 2830,	
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EXHIBIT-B

10

Signature

for R. RAY JOHNSON

11799

Department of the Treasury - Internal Revenue Service

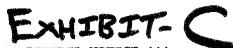
	Form 668 (Y) (Rev. February 200-		Notice	of Federal T	ax Lie	en	
Code, we are giving a notice that taxes (including interest and penalities) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue. Name of Taxpayer PAUL K CROMAR Residence 9870 N MEADOW DR CEDAR HILLS, UT 84062-9430 IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on IRC 6825(a). Kind of Tax Tax Period (a) (b) 1040 12/31/1996 XXX-XX-9932 12/22/2003 11/21/2014 14283.31 1040 12/31/1997 XXX-XX-9932 12/22/2003 DI/21/2014 14283.31 1040 Total \$ 29599.51 This notice was prepared and signed at DENVER, CO , on this,	WAGE & INVE		4		273906	For Options	l Use by Recording Office
Residence 9870 N MEADOW DR CEDAR HILLS, UT 84062-9430 IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is reflied by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a). Kind of Tax	Code, we are have been a a demand for there is a lice property be	e giving a notice ssessed against the payment of the in favor of the longing to this to	that taxes (including ne following-named to is liability, but it ren e United States on al axpayer for the amo	g interest and per axpayer. We have nains unpaid. The I property and rig unt of these taxe	nalties) e made refore, ghts to		
Residence 9870 N MEADOW DR CEDAR HILLS, UT 84062-9430 IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a). Kind of Tax (a) (b) (c) 1040 12/31/1996 XXXXX9932 12/22/2003 12/21/2014 14283.31 1040 12/31/1997 XXXXX9932 12/22/2003 12/21/2014 14283.31 12/31/1997 Total Place of Filing COUNTY RECORDER UTAH COUNTY PROVO, UT 84606 This notice was prepared and signed at DENVER, CO RECORDED FOR INTERNAL REVENUE SERV RECORDED, RECORDED FOR INTERNAL REVENUE SERV RECORDED, RECORDED FOR INTERNAL REVENUE SERV RECORDED, RECORDED, STEAM RECORDED ASSESSMENT (a) Unpaid Balance of Assessment (c) (f) 12/22/2003 01/21/2014 14283.31 12/22/2003 01/21/2014 15316.20	Name of Taxp	eayer PAUL K C	ROMAR			HATU	COUNTY RECORDE
unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a). Tax Period Ending (b) Identifying Number (c) Identifying Number (d) Identifyin	Residence			-9430			
County Recorder Utah County Provo, Ut 84606 County Recorder and signed at Denver, County Refiling (a) Denver, County Recorder (b) County Recorder (c) Denver, County Recorder (c) Denver (unless notice on the day	e of the lien is refile following such dat	d by the date given in c	olumn (e), this notic	e shall,		
1040 12/31/1996 XXX-XX-9932 12/22/2003 01/21/2014 14283.31 1040 12/31/1997 XXX-XX-9932 12/22/2003 01/21/2014 15316.20		Ending		Assessment	Re	filing	of Assessment
UTAH COUNTY PROVO, UT 84606 Total \$ 29599.51 This notice was prepared and signed at DENVER, CO , on this,	1040	12/31/1997	XXX-XX-9932				5
, on this		UTAH C	OUNTY		ar edge a	Total	\$ 29599.51
the 19th day of December 2006			orgride de	ENVER, CO			, on this,

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lian Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Form 668(Y)(c) (Rev. 2-20

(800) 829-7650

14-00-0000



26976721 *** REFILED NOTICE *** REFILED NOTICE *** REFILED NOTICE *** REFILE

REFILE

Form 668-F (Rev. February 2004) Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien
Recorded: 09/08/2009 11:55 97306-2009

SMALL BUSINESS/SELF EMPLOYED AREA #6 Lien Unit Phone: (800) 913-6050

Serial Number

578162009

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer PAUL K CROMAR

Residence

9870 N MEADOW DR

PROVO, UT 84606

CEDAR HILLS, UT 84062-9430

ENT 42374:2017 PG 1 of 1
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Jun 28 10:39 an FEE 10:00 BY NG
RECORDED FOR INTERNAL REVENUE SERVICE

IMPORTANT RELEASE INFORMATION: For each assessment listed below. unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a)* NOT APPLICABLE TO A REFILED NOTICE ***

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/1999	XXX-XX-9932	11/26/2007	12/26/2027	124553.43
1040	12/31/2000	XXX-XX-9932	11/26/2007	12/26/2027	148534.38
1040	12/31/2001	XXX-XX-9932	11/26/2007	12/26/2027	101270.06
1040	12/31/2002	XXX-XX-9932	11/26/2007	12/26/2027	67034.82
1040	12/31/2003	XXX-XX-9932	11/26/2007	12/26/2027	63727.49
1040	12/31/2004	XXX-XX-9932	11/26/2007	12/26/2027	118577.94
,		NOTICE OF FEDI	RAL TAX LII	N PEETLING	
Seria	ID: 26698		iled At: U		
New T	I	ATA MOCICE I	ilea At. U	New TI	N:
New A	ddress:				
Down	Flack				
(/ Signa	ture: for W	ANDA I MANLEY		DATE: 06/	19/2017
		03) 603-4541	Ì	Title: Al	
lace of Filing		*			
	COUNTY				
	UTAH C	OUNTY		Total	\$ 623698.12

This notice was prepared and signed at SEA	TTLE, WA	, on this,
theOlst day ofSeptember, _2009.		
Signature for NANCY K PHILLIPS	Title REVENUE OFFICER 26-10-4636	

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)



V)

26976721 *** REFILED NOTICE *** REFILED NOTICE *** REFILED NOTICE **

3847 REFILE

Department of the Treasury - Internal Revenue Service

REFILE

Form 668-F

(Rov. February 2004)

Notice of Federal Tax Lien

Recorded: 09/08/2009 11:55 97306-2009

578162009

Area: SMALL BUSINESS/SELF EMPLOYED AREA #6 Lien Unit Phone: (800) 913-6050

Serial Number

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer PAUL K CROMAR

Residence

9870 N MEADOW DR

CEDAR HILLS, UT 84062-9430

UTAH COUNTY RECORDER 2017 Jun 28 10:39 am FEE 10:00 BY MG RECORDED FOR INTERNAL REVENUE SERVICE

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a)* NOT APPLICABLE TO A REFILED NOTICE ***

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2005	XXX-XX-9932	11/26/2007	12/26/2027	84087.04
		·			-
1		NOTICE OF FEDE	D እና ጥአህ ተገ	ENI DEPETT INC	*
Seria	ID: 26698	8617 Notice F			
New Ti	Name:			New TI	N:
Down	Flack			•	
Signat		NDA I MANLEY 803) 603-4541		DATE: 06/ Title: AI	
Place of Filing	COUNTY UTAH C	RECORDER OUNTY UT 84606		Total	\$ 84087.04
This notice wa	as prepared and s	signed atS	EATTLE, WA		, on this,
the	at day of Ser	otember 2009			
Signature			Title		
	K PHILLIPS		26-10-4	OFFICER	
****		thorized by law to take ack			Notice of Federal Tax line

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

CERTIFICATE OF SERVICE

We, Paul Kenneth: Cromar and Barbara Ann: Cromar, certify that a true copy of the attached *Cross-Complaint* has been served via Certified Mail to the following:

Solicitor General U.S. Department of Justice 950 Pennsylvania Ave. NW Room 5614

Washington, D.C. 20530-0001

Certified Mail # 7018 0680 0001 1811 1951

Attorney General Jeff Sessions U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

Certified Mail # 7018 0680 0001 1811 1962

Ryan S. Watson, Trial Attorney
U.S. Department of Justice / Tax Division
Ben Franklin Station
P.O. Box 683

Washington, DC.20044-0683

Certified Mail # 7018 0680 0001 1811 1979

Nancy K Phillips /Revenue Officer 26-10-4636 and R. A. Mitchell 178 S. Rio Grande Salt Lake City, UT 84101 Certified M

Certified Mail # 7018 0680 0001 1811 1986

Wanda I. Manley, and Joan Flach or Joan Flack? 1999 Broadway Denver, CO 80202-3025

Certified Mail # 7010 0290 0000 6869 8727

Paul Kenneth: Cromar 9870 N. Meadow Drive Cedar Hills, UT 84062 usA

Barbara Ann: Cromar 9870 N. Meadow Drive Cedar Hills, UT 84062 usA

October 23, 2018